

SENATE FILE NO. SF0052

Teacher tenure.

Sponsored by: Senator Senator(s) Coe, Anderson, Jennings
and Von Flatern and Representative(s)
Buchanan, Childers, Lubnau, McOmie, Quarberg
and Teeters

A BILL

for

1 AN ACT relating to education; removing continuing contract
2 status from the Wyoming teacher employment law; modifying
3 and repealing provisions accordingly; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 21-3-110(a)(xviii), 21-6-225,
9 21-7-102(a)(intro), (iii), (vi) and (ix), 21-7-105,
10 21-7-109, 21-7-110(a) through (e), 21-7-111(a)(iv) and (b),
11 21-7-112 and 21-7-113 are amended to read:

12

13 **21-3-110. Duties of boards of trustees.**

14

1 (a) The board of trustees in each school district
2 shall:

3

4 (xviii) Establish a teacher performance
5 evaluation system and require the performance of each
6 ~~continuing contract~~ teacher to be evaluated in writing at
7 least once each year. The teacher shall receive a copy of
8 each evaluation of his performance;

9

10 **21-6-225. Contract rights and benefits of employees**
11 **and teachers.**

12

13 No contract right, fringe benefit, benefit granted under
14 school policies, ~~or continuing contract status of any~~
15 ~~employee,~~ or any rights under the Wyoming Teachers'
16 Employment Act shall be denied or reduced as a result of
17 school district reorganization, ~~except as provided by W.S.~~
18 ~~21-7-111(a)(iv).~~ The new school district shall have the
19 right to establish a uniform salary and benefit schedule
20 for employees of the previous school districts and shall
21 have the right to establish the length of the contract
22 year.

23

24 **21-7-102. Definitions.**

1

2 (a) As used in the article ~~the following definitions~~
3 ~~shall apply:~~

4

5 (iii) "Dismissal" ~~means~~ means the cancellation of
6 any teacher's contract of employment by the board of
7 trustees while ~~such the~~ the contract is in effect; ~~In the~~
8 ~~case of a continuing contract teacher, dismissal shall mean~~
9 ~~cancellation of his contract at any time other than at the~~
10 ~~end of a school year where proper notice has been given;~~

11

12 (vi) "Suspension with pay" means the removal of
13 a teacher from the classroom during the school year without
14 termination of salary; ~~pending the outcome of a hearing in~~
15 ~~accordance with W.S. 21-7-110;~~

16

17 (ix) "Suspension without pay" means the removal
18 of a teacher from the classroom during the school year with
19 the termination of salary for a period not to exceed one
20 (1) calendar year; ~~commencing upon completion of a hearing~~
21 ~~held under W.S. 21-7-110.~~

22

23 **21-7-105. Employment of teachers on annual basis;**
24 **notice of termination to teachers.**

1

2 ~~An initial contract~~ A teacher who has taught in the system
3 continuously for a period of at least ninety (90) days
4 shall be hired on an annual basis and shall be notified in
5 writing of the reasons for termination, if such is the
6 case, no later than April 15 of each year. ~~An initial~~
7 ~~contract~~ A teacher's employment may be terminated or
8 suspended with or without pay for any reason not
9 specifically prohibited by law. ~~, and a board is not limited~~
10 ~~to the reasons set forth in W.S. 21-7-110(a).~~ The notice of
11 termination shall not be disseminated to the public or to
12 prospective employers absent the teacher's consent.
13 Nothing contained in this section shall limit the use of
14 the notice in any hearing. Upon receipt of notice, the
15 teacher may request a hearing before an independent hearing
16 officer as provided under W.S. 21-7-110.

17

18 **21-7-109. When contract offered to and accepted by**
19 **teacher.**

20

21 Upon determination to offer a contract for the ensuing
22 year, the board must shall offer a the contract ~~for the~~
23 ~~ensuing year~~ to ~~each initial contract~~ the teacher ~~if such~~
24 ~~is to be offered~~ by April 15. ~~, and it must~~ The contract

1 shall be accepted by the teacher by May 15 of each year
2 offered or the position ~~will~~ shall be declared open.

3

4 **21-7-110. Suspension or dismissal of teachers;**
5 **notice; hearing; independent hearing officer; board review**
6 **and decision; appeal.**

7

8 (a) The board may suspend ~~or dismiss any teacher~~ or
9 terminate any ~~continuing contract~~ teacher for incompetency,
10 neglect of duty, immorality, insubordination,
11 unsatisfactory performance or any other ~~good or just cause~~
12 reason not specifically prohibited by law.

13

14 (b) Suspension or dismissal proceedings shall be
15 initiated by the superintendent or any member of the board
16 designated by the superintendent or designated by the board
17 pursuant to a majority vote of the board delivering to the
18 teacher a written notice of suspension or ~~dismissal~~
19 termination, together with written reasons.

20

21 (c) Any ~~continuing contract~~ teacher receiving notice
22 of ~~a recommendation of~~ termination under W.S. ~~21-7-106(a)~~
23 21-7-105 or against whom ~~dismissal or~~ suspension
24 proceedings are instituted is entitled to a hearing before

1 an independent hearing officer on the recommendation or the
2 reasons for dismissal or suspension, upon submission of a
3 written request to the superintendent. The request for
4 hearing shall be given within seven (7) days after receipt
5 of notice under W.S. ~~21-7-106(a)~~21-7-105 or subsection (b)
6 of this section. The independent hearing officer shall
7 insofar as possible, be impartial, experienced in
8 education, labor and employment matters and in the conduct
9 of hearings. Within five (5) days following receipt of the
10 hearing request, the superintendent and the teacher shall
11 jointly select a hearing officer. If they fail to agree
12 upon selection, the district judge of the judicial district
13 in which the school district is located shall upon request
14 select a hearing officer. Expenses of the hearing officer
15 shall be paid equally by the school district and the
16 teacher.

17

18 (d) Within five (5) days after selection, the hearing
19 officer shall set the date for hearing and notify the
20 teacher and superintendent of the hearing date, time and
21 location. In no event shall the hearing commence on a date
22 later than forty-five (45) days after notice under W.S.
23 ~~21-7-106(a)~~21-7-105 or subsection (b) of this section, as
24 applicable. The hearing shall be conducted in accordance

1 with the Wyoming Administrative Procedure Act and the
2 hearing officer may accordingly receive or reject evidence
3 and testimony, administer oaths and if necessary, subpoena
4 witnesses. All school district records pertaining to the
5 teacher shall be made available to the hearing officer.

6

7 (e) At the hearing, the teacher has the right to
8 appear in person with or without counsel, to be heard, to
9 present testimony or witnesses and all evidence bearing
10 upon proposed termination, ~~dismissal~~ or suspension and to
11 cross-examine witnesses. The superintendent shall have the
12 burden of proving that the recommendation for termination
13 is based upon reasons provided in the notice of termination
14 submitted pursuant to W.S. ~~21-7-106(a)~~ 21-7-105 or that
15 suspension or ~~dismissal~~ termination is based upon reasons
16 specified in the notice given under subsection (b) of this
17 section, as applicable.

18

19 **21-7-111. Inapplicability of provisions.**

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21 (a) Nothing in this article shall prohibit:

22

23 (iv) The termination of the contract of a
24 teacher at the end of current school year because of a

1 decrease in the size of faculty due to decreased
2 enrollment, combining of school districts or an event
3 beyond the control of the board if notice of termination is
4 given pursuant to W.S. 21-7-105 ~~and 21-7-106(a)~~ except the
5 request for a hearing does not apply;

6

7 (b) Nothing in this article including the duty to
8 provide a reason for termination of ~~an initial contract~~ a
9 teacher's employment~~,~~ shall be interpreted as requiring any
10 hearing or as requiring any proof of cause if school
11 districts are not prohibited from providing by policy or
12 contract, additional procedures or rights to ~~initial~~
13 ~~contract~~ teachers.

14

15 **21-7-112. Effect on existing contracts.**

16

17 The contracts of all teachers in the state of Wyoming from
18 and after ~~the effective date of this act~~ May 1, 2011 shall
19 be subject to the policies, rules~~,~~ and regulations of the
20 school district not in conflict with this law or the other
21 laws of the state of Wyoming.

22

23 **21-7-113. Application to teachers presently employed.**

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1 The provisions of this article shall apply to all teachers
2 who are teaching in Wyoming on ~~the effective date hereof;~~
3 ~~provided, however, the status of teachers covered under~~
4 ~~this act will be determined by their original date of~~
5 ~~employment as a teacher in the state of Wyoming~~ and after
6 May 1, 2011.

7

8 **Section 2.** W.S. 21-7-102(a)(ii) and (iv), 21-7-103,
9 21-7-104(a), 21-7-106 and 21-7-114 are repealed.

10

11 **Section 3.** This act is effective May 1, 2011.

12

13

(END)